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SENATE BILL 3069
By Atchley

AN ACT to amend Tennessee Code Annotated, Section 66-5-210,
relative to modifications to the disclosure form under the
Tennessee Residential Property Disclosure Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-5-210, is amended by deleting the
section in its entirety, and by substituting instead the following language:

Following is the form prescribed by the general assembly which is necessary to comply
with the provisions of this part. The form used does not have to be the one included in this
section, but it is the intent of the general assembly that any such form includes all items
contained in the form below with all acknowledgement provisions of such form:

Tennessee Residential Property Condition Disclosure

The Tennessee Residential Property Disclosure Act states that anyone transferring title
to residential real property must provide information about the condition of the property. This
completed form constitutes that disclosure by the Seller. This is not a warranty, or a substitute
for any professional inspections or warranties that the purchasers may wish to obtain. **Buyers
and sellers should be aware that any sales agreement executed between the parties will
supercede this form as to any obligations on the part of the seller to repair items
identified below and/or the obligation of the buyer to accept such items "as is".**

Instructions to the Seller:

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Complete this form yourself and answer each question to the best of your knowledge. If an answer is an estimate, clearly label it as such. The Seller hereby authorizes any agent(s) representing any party in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the subject property.

Property Address _____

City _____

Seller's Name(s) _____

Property Age _____

Date Seller Acquired the Property _____

Do You Occupy the Property? _____

If Not Owner-Occupied, How Long Has It Been Since the Seller Occupied the Property?

A. The Subject Property Includes the Items Checked Below:

_____ Range

_____ Oven

_____ Microwave

_____ Dishwasher

_____ Garbage Disposal

_____ Trash Compactor

_____ Water Softener

_____ 220 Volt Wiring

_____ Washer/Dryer Hookups

_____ Central Heating

_____ Heat Pump

_____ Central Air Conditioning

_____ Wall/Window Air Conditioning

_____ Window Screens
 _____ Rain Gutters
 _____ Fireplace(s) (Number _____)
 _____ Gas Starter for Fireplace
 _____ Smoke Detector/Fire Alarm
 _____ Burglar Alarm
 _____ Patio/Decking/Gazebo
 _____ Irrigation System
 _____ Sump Pump
 _____ Garage Door Opener(s) (Number of openers _____)
 _____ Intercom
 _____ TV Antenna/Satellite Dish
 _____ Pool
 _____ Spa/Whirlpool Tub
 _____ Hot Tub
 _____ Sauna
 _____ Current Termite Contract
 _____ Access to Public Streets
 _____ Other _____
 _____ Other _____

Garage: _____ Attached _____ Not Attached _____ Carport

Water Heater: _____ Gas _____ Solar _____ Electric

Water Supply: _____ City _____ Well _____ Private

_____ Utility _____ Other

Waste Disposal: _____ City Sewer _____ Septic Tank _____ Other _____

Gas Supply: _____ Utility _____ Bottled _____ Other _____

Roof(s): Type _____ Age (approx.) _____

Other Items: _____

To the best of your knowledge, are any of the above NOT in operating condition?

_____ YES _____ NO

If YES, then describe (attach additional sheets if necessary): _____

B. Are You (Seller) Aware of Any Defects/Malfunctions in Any of the Following?

Interior Walls	YES	NO	UNKNOWN
Ceilings	YES	NO	UNKNOWN
Floors	YES	NO	UNKNOWN
Windows	YES	NO	UNKNOWN
Doors	YES	NO	UNKNOWN
Insulation	YES	NO	UNKNOWN
Plumbing	YES	NO	UNKNOWN
Sewer/Septic	YES	NO	UNKNOWN
Electrical System	YES	NO	UNKNOWN
Exterior Walls	YES	NO	UNKNOWN
Roof	YES	NO	UNKNOWN
Basement	YES	NO	UNKNOWN
Foundation	YES	NO	UNKNOWN
Slab	YES	NO	UNKNOWN
Driveway	YES	NO	UNKNOWN
Sidewalks	YES	NO	UNKNOWN
Central heating	YES	NO	UNKNOWN
Heat pump	YES	NO	UNKNOWN
Central air conditioning	YES	NO	UNKNOWN

If any of the above is/are marked YES, please explain: _____

C. Are You (Seller) Aware of Any of the Following?

1. Substances, materials or products which may be an environmental hazard such as, but not limited to: asbestos, radon gas, lead-based paint, fuel or chemical storage tanks and/or contaminated soil or water on the subject property?

YES NO UNKNOWN

2. Features shared in common with adjoining land owners, such as walls, but not limited to, fences, and/or driveways, with joint rights and obligations for use and maintenance?

YES NO UNKNOWN

3. Any authorized changes in roads, drainage or utilities affecting the property, or contiguous to the property?

YES NO UNKNOWN

4. Any changes since the most recent survey of the property was done?

YES NO UNKNOWN

Most recent survey of the property: _____ (check here if unknown.)?

5. Any encroachments, easements, or similar items that may affect your ownership interest in the property?

YES NO UNKNOWN

6. Room additions, structural modifications or other alterations or repairs made without necessary permits?

YES NO UNKNOWN

7. Room additions, structural modifications or other alterations or repairs not in compliance with building codes?

YES NO UNKNOWN

8. Landfill (compacted or otherwise) on the property or any portion thereof?

YES NO UNKNOWN

9. Any settling from any cause, or slippage, sliding or other soil problems?

YES NO UNKNOWN

10. Flooding, drainage or grading problems?

YES NO UNKNOWN

11. Any requirement that flood insurance be maintained on the property?

YES NO UNKNOWN

12. Property or structural damage from fire, earthquake, floods or landslides?

YES NO UNKNOWN

If yes, has said damage been repaired? _____

13. Any zoning violations, nonconforming uses and/or violations of "setback" requirements?

YES NO UNKNOWN

14. Neighborhood noise problems or other nuisances?

YES NO UNKNOWN

15. Subdivision and/or deed restrictions or obligations?

YES NO UNKNOWN

16. A Homeowners Association (HOA) which has any authority over the subject property?

YES NO UNKNOWN

Name of HOA: _____

HOA Address: _____

Monthly Dues: _____ Special Assessments: _____

17. Any "common area" (facilities such as, but not limited to, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

YES NO UNKNOWN

18. Any notices of abatement or citations against the property?

YES NO UNKNOWN

19. Any lawsuit(s) or proposed lawsuit(s) by or against the seller which affects or will affect the property?

YES NO UNKNOWN

20. Is any system, equipment or part of the property being leased?

YES NO UNKNOWN

If yes, please explain, and include a written statement regarding payment information.

21. Exterior wall covering of the structure (s) covered with exterior insulation and finish systems (EIFS), also known as "synthetic stucco"?

YES NO UNKNOWN

If yes, have there been any inspections to determine whether the structure has excessive moisture accumulation and/or moisture related damage?* Please explain. If necessary, please attach an additional sheet.

*The Tennessee Real Estate Commission urges any buyer or seller who encounters this product to have a qualified professional test the house in question to assure that all parties are made fully aware if any defects in the product exist.

If the answer to any of the above is YES, please explain

D. Certification: I/we certify that the information herein, concerning the real property located at _____, is true and correct to the best of my/our knowledge as of the date signed. Should any of these conditions change prior to conveyance of title to this property, these changes will be disclosed in addendum to this document.

Transferor (Seller) Date _____

Transferor (Seller) Date

Parties may wish to obtain professional advice and/or inspections of the property and to negotiate appropriate provisions in the purchase agreement regarding advice, inspections or defects.

Transferee/Buyer's Acknowledgement:

I/we understand that this disclosure statement is not intended as a substitute for any inspection, and that I/we have a responsibility to pay diligent attention to and inquire about those material defects which are evident by careful observation.

I/we acknowledge receipt of a copy of this disclosure.

Transferee (Buyer) Date

Transferee (Buyer) Date

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.